

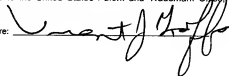
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Date: April 13, 2009

Name: Vincent J. Grotto, Reg. No. 44,714

Signature: _____



PATENT
CASE NO. 10022/578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Oyvind Stromme)	
)	Examiner: Con P. Tran
Serial No. 10/614,764)	
)	Group Art Unit No. 2614
Filing Date: July 7, 2003)	
)	Confirmation no. 8000
For: Sound Control Installation)	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This Appeal Brief is filed based on the final rejection of all pending claims mailed on April 10, 2008, the Notice of Panel Decision from Pre-Appeal Brief Review reopening prosecution on July 24, 2008, the subsequent rejection mailed October 2, 2008, and further to the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 13, 2009.

I. Real Party in Interest

The real party in interest for the above-referenced application is Accenture Global Services GMBH, Herrenacker 15, CH-8200, Schaffhausen, Switzerland. See Reel/Frame 017831/0577.

II. Related Appeals and Interferences

The undersigned is unaware of any other appeals or interferences that will directly affect, be directly affected by or have any bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-20 are pending and stand rejected.

All of rejected claims 1-20 are appealed.

IV. Status of Amendments

No amendments are pending.

V. Summary of Claimed Subject Matter

Independent claim 1 recites a sound control installation for at least one electrical unit (*see e.g.* para. 22, Fig. 1) comprising: at least two cameras to take pictures of a determined area in a space containing the electrical units (*see e.g.* para. 23 and 28, Figs. 1 and 2); at least two microphones positioned at different locations to sense the sounds in said space (*see e.g.* para. 23, 25 and 44, Figs. 1 and 2); a control screen displaying an image of the space and the electrical units (*see e.g.* para. 23, Figs. 1 and 2); a control device for positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras (*see e.g.* para. 36, Fig. 2), and for controlling a determined electrical unit when (*see e.g.* para. 38, Fig. 2): the cursor is on the image of said determined electrical unit, a sound is produced (*see e.g.* para. 38, Fig. 2), and a system associated with the microphones checks that the origin of the sound is close to the position of the hand (*see e.g.* para. 44, Fig. 2).

Independent claim 12 recites a sound control installation for controlling an electrical unit comprising (*see e.g.* para. 22, Fig. 1): a camera to take pictures of a determined area in a space containing the electrical unit (*see e.g.* para. 23 and 28, Figs. 1 and 2); a microphone positioned to sense the sounds in said space (*see e.g.* para. 23, 25 and 44, Figs. 1 and 2); a control device for controlling the electrical unit in accordance with movements of a hand of a user detected by said cameras when (*see e.g.* para. 36, Fig. 2): a sound is produced (*see e.g.* para. 38, Fig. 2), and a system associated with the microphone checks that the origin of the sound is close to the position of the hand (*see e.g.* para. 44, Fig. 2).

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 1-2, 5-6, 9-13 and 16-20 under 35 U.S.C. 103(a) are unpatentable over Fukumoto et al., "Finger-Pointing: Pointing Interface by Image Processing" in view of Cohen-Solal et al. (U.S. Patent No. 7,028,269), and further in view of Surucu et al. (U.S. Patent Pub. No. 2003/0132950).

2. Whether claims 3-4 and 14-15 under 35 U.S.C. 103(a) are unpatentable over Fukumoto et al., in view of Cohen-Solal et al., in view of Surucu et al., and further in view of Lyman (U.S. Patent No. 4,303,836).

3. Whether claim 7 under 35 U.S.C. 103(a) are unpatentable over Fukumoto et al., in view of Cohen-Solal et al., in view of Surucu et al., and further in view of Pryor et al. (U.S. Patent No. 7,042,440).

VII. Argument

As a preliminary matter, rejections were withdrawn and prosecution reopened further to our notice of appeal and pre-appeal brief filed July 5, 2008. A new office action was mailed October 2, 2008. Even with the addition of the new reference, however, the references do not disclose, alone or in combination, all of the features of the claims.

A. Independent Claims 1 and 12

Pending independent claim 1 recites a sound control installation including cameras, microphones, a control screen, a control device for positioning on the control

screen a cursor in accordance with movements of a hand of a user, and a system associated with the microphones checks that the origin of the sound is close to the position of the hand.

Surucu et al. discloses detecting, classifying and interpreting input events, such as by combining stimuli from two or more sensory domains to classify and interpret the input events representing a user action. For example, in the case of a virtual keyboard, a typist may strike a surface on which a keyboard pattern is projected, and measure a sound of the strike with a transducer coupled to the typing surface. Paragraph 29. By determining that the sound occurred at a same time as the key strike, the system can confirm that a valid keystroke occurred. Force of the keystroke may also be determined from the sound. Paragraph 30. While a time and force of the sound may be considered, Surucu et al. does not disclose or suggest "a system associated with the microphones checks that the origin of the sound is close to the position of the hand." There is no disclosure in Surucu et al. of relating a position of the hand to a position of the sound. For example, unlike the recited claims, Surucu et al. would not be able to distinguish a sound that came from the hand from a sound that did not come from the hand. Fukumoto et al. and Cohen-Solal et al. fail to fill the gaps.

Fukumoto et al. discloses a three-dimensional interface which can recognize finger pointing actions and simple hand forms in real-time by processing image sequences of the actions and forms captured by cameras. The Office Action is correct that Fukumoto et al. does not disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of the user.

Cohen-Solal et al. discloses a multi-modal video target acquisition and re-direction system. A video camera targeting system uses the camera and microphones to locate and acquire targets using inputs characterizing the target: the inputs include (1) a pointing gesture and (2) a spoken identification of the target. The system is able to determine an object to which a user is pointing with their hand and which the user identifies by voice. The microphones can also be used to pinpoint the source of sounds from the target. Col. 8, lines 6-12.

But neither Surucu et al., Cohen-Solal et al. nor Fukumoto et al., alone or in combination, disclose or suggest using a microphone to check that the origin of a sound

is close to a position of a hand of a user. Any pinpointing with microphones in Cohen-Solal refers to the target, the object being pointed to, not a hand of a user, doing the pointing. Also there is no consideration of where the hand is in relation to the sound in any of the references. Since determining if the sound is close to the hand is completely missing from the references, Applicants request that the claims be allowed.

In addition, neither Surucu et al., Cohen-Solal et al. nor Fukumoto et al. disclose or suggest a control device for controlling the at least one electrical unit when it is determined that the hand is positioned close to the origin of sound. Conversely, the claims recite the features of checking the origin of the sound with regard to a position of a hand of the user, and controlling the electrical unit based on the checking. For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

Claims 1-11 further recite "positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras, and for controlling a determined electrical unit when the cursor is on the image of said determined electrical unit", which is also not disclosed or suggested by any of Surucu et al., Fukumoto et al. nor Cohen-Solal et al., either alone or in combination. Fukumoto et al. may disclose using a hand to position a cursor (see e.g. Fig. 1) and using hand movements to control an electrical unit (e.g. VCR) (see e.g. Fig. 15), but Fukumoto et al. does not disclose or suggest positioning a cursor to control an electrical unit when the cursor is on an image of the electrical unit. Cohen-Solal et al. and Surucu et al. fail to fill the gaps because they neither disclose nor suggest such a cursor or image of the electrical unit, nor controlling an electrical unit by placing the cursor on the image of the electrical unit. For at least these additional reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

Pending independent claim 12 recites a sound control installation for controlling an electrical unit, the sound control installation including a camera, a microphone, a control device, and a system associated with the microphone checks that the origin of sound is close to the position of the hand. As discussed above, neither Surucu et al., Cohen-Solal et al. nor Fukumoto et al., alone or in combination, disclose or suggest at

least these features. For at least these additional reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

B. Claims 3-4 and 14-15

Lyman discloses an audio silencer for radio and television sets. The silencer is adapted to suppress the audio output of a radio or television set during commercial breaks in a program. Neither Lyman, Fukumoto et al., Surucu et al., nor Cohen-Solal et al., alone or in combination, disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of a user, a control device for controlling the at least one electrical unit in accordance with movements of a hand of a user detected by said cameras when the hand is positioned close to the origin of sound, or positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras and for controlling a determined electrical unit when the cursor is on the image of said determined electrical unit. For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

C. Claim 7

Pryor et al. discloses methods and apparatus for inputting position, orientation, or other object characteristic data to computers. Television cameras provide output that is analyzed and used as input to a personal computer. Neither Pryor et al., Fukumoto et al., Surucu et al., nor Cohen-Solal et al., alone or in combination, disclose or suggest using a microphone to check that the origin of a sound is close to a position of a hand of a user, a control device for controlling the at least one electrical unit in accordance with movements of a hand of a user detected by said cameras when the hand is positioned close to the origin of sound, or positioning on the control screen a cursor in accordance with movements of a hand of a user detected by said cameras and for controlling a determined electrical unit when the cursor is on the image of said determined electrical unit. For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

VIII. Conclusion

For the reasons provided above, Appellant submits that claims 1-20 are allowable over the cited art. Appellant respectfully submits that the outstanding rejections of the claims are in error and should be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

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VIII. Claims Appendix

1. A computer implemented method for cross-dock and direct shipment processes, the method comprising:

entering, on a computer, an order to ship inventory from a default plant of a selling organization to a customer;

changing the default plant on the order to a new plant of the selling organization, wherein the new plant is located in another country which is a same country as a destination country of the customer but a different country than the default plant of the selling organization;

entering a cross dock partner function to reflect an address of the new plant in the destination country, the cross dock partner function being used by the selling organization to process the order and output sales documentation for the transfer of inventory from the default plant of the selling organization to the new plant of the selling organization;

conducting an inter-company transfer of the inventory from the default plant to the new plant, such that the inventory passes through customs inter-company before being shipped to the customer; and

processing the order on the computer wherein the default plant, not the new plant, is displayed to the customer as a shipping plant.

2. The method of claim 1 further comprising creating necessary inter-company inventory invoice documentation in accordance with the processed order.

3. The method of claim 2 wherein the invoice documentation comprises a master commercial invoice and a master content list.

4 – 5 Cancelled.

6. The method of claim 1 wherein the inter-company transfer reduces freight costs, importation taxes and documents required for export processing.

7. The method of claim 1 wherein the direct shipment comprises shipment of goods directly to the new plant.

8. The method of claim 1 further comprising consolidating shipments into waybills for all cross-dock shipments.

9. The method of claim 8 wherein the waybill comprises a standard trade invoice for each individual delivery.

10. The method of claim 8 wherein the waybill is included in the cross-dock shipment.

11. The method of claim 1 wherein the cross-dock shipment utilizes inter-company pricing when shipping through customs.

12. A system for cross-dock and direct shipment processes, comprising:

- an input device of a computer to receive an order to ship inventory from a default plant of a selling organization to a customer;

- a processor to change the default plant to a new plant of the selling organization, the new plant being located in another country which is a same country as a destination country of the customer but a different country than the default plant of the selling organization;

- wherein a cross dock partner function is entered on the order to reflect an address of the new plant in the destination country, wherein the cross dock partner function is used by the selling organization to process the order and output sales documentation for the transfer of inventory from the default plant of the selling organization to the new plant of the selling organization, wherein the inventory is transferred inter-company from the default plant to the new plant, such that the inventory passes through customs inter-company before being shipped to the customer; and

- a display, wherein the order is processed on the computer such that the default plant, not the new plant, is displayed to the customer as a shipping plant.

13. The system of claim 12 further comprising inventory invoice documentation created in accordance with the processed order.

14. The system of claim 13 wherein the invoice documentation comprises a master commercial invoice and a master content list.

15 – 16 Cancelled.

17. The system of claim 12 wherein the inter-company transfer reduces freight costs, importation taxes and documents required for export processing.

18. The system of claim 12 wherein the direct shipment comprises shipment of goods directly to the new plant.

19. The system of claim 12 further comprising shipments consolidated into waybills for all cross-dock shipments.

20. The system of claim 19 wherein the waybill comprises a standard trade invoice for each individual delivery.

21. The system of claim 19 wherein the waybill is included in the cross-dock shipment.

22. The system of claim 12 wherein the cross-dock shipment utilizes inter-company pricing when shipping through customs.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None

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